

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JESSIE J. BARNES

Plaintiff,

-v.-

Civil Action No.
9:13-cv-164 (GLS/RFT)

BRIAN FISCHER *et al.*

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JESSIE J. BARNES
Pro Se
09-B-2707
Upstate Correctional Facility
P.O. Box 2001
309 Bare Hill Road
Malone, New York 12953

HON. ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
The Capitol
Albany, New York 12224

MELISSA A. LATINO, ESQ.
Assistant Attorney General

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation by Magistrate Judge Randolph F. Treece, duly filed
September 22, 2014. Following fourteen days from the service thereof, the

Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed September 22, 2014 (Dkt. No. 185) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that Defendants' Partial Motion to Dismiss (Dkt. No. 94) is DENIED; and it is further

ORDERED that the Clerk provide a copy of this Order upon the parties in accordance with the local rules.

IT IS SO ORDERED.

Dated: October 15, 2014
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court